

SENATE No. 2138

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transportation and environmental justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/25/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/25/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/2/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/8/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/1/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/1/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>4/26/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/29/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>5/23/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>8/3/2021</i>

SENATE No. 2138

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 2138) of Joseph A. Boncore, Jack Patrick Lewis, Rebecca L. Rausch, Steven C. Owens and other members of the General Court for legislation relative to transportation and environmental justice. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to transportation and environmental justice.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 29 of the General Laws is hereby amended by adding the
2 following new section at the end thereof:-

3 Section 2DDDDD: Transportation Climate Initiative

4 (a) As used in this section, the following words shall have the following meanings, unless
5 the context clearly requires otherwise:

6 "Allowance", an authorization to emit a fixed amount of carbon dioxide.

7 "Department", department of transportation

8 "Environmental justice population", a neighborhood that meets 1 or more of the
9 following criteria: (i) the annual median household income is not more than 65 per cent of the
10 statewide annual median household income; (ii) minorities comprise 40 per cent or more of the

population; (iii) 25 per cent or more of households lack English language proficiency; or (iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; provided, however, that for a neighborhood that does not meet said criteria, but a geographic portion of that neighborhood meets at least 1 criterion, the secretary may designate that geographic portion as an environmental justice population upon the petition of at least 10 residents of the geographic portion of that neighborhood meeting any such criteria; provided further, that the secretary may determine that a neighborhood, including any geographic portion thereof, shall not be designated an environmental justice population upon finding that: (A) the annual median household income of that neighborhood is greater than 125 per cent of the statewide median household income; (B) a majority of persons age 25 and older in that neighborhood have a college education; (C) the neighborhood does not bear an unfair burden of environmental pollution; and (D) the neighborhood has more than limited access to natural resources, including open spaces and water resources, playgrounds and other constructed outdoor recreational facilities and venues.

“Equity Advisory Body”, a stake holder group that shall be comprised of the following members: The secretary of transportation ex officio; the secretary of Energy and Environmental Affairs ex officio; the secretary of health and human ex officio; 1 representative of the Massachusetts Association of Regional Planning Agencies; 1 representative of the Metropolitan Mayors Association; 1 representative of the Mayor of the City of Boston; 1 representative of Green Roots; 1 representative of each Massachusetts Executive Office of Health and Human Services regions, specifically, 1 representative of a community-based group located within Region 1 - Western; 1 representative of a community-based group located within Region 2 -

Central; 1 representative of a community-based group located within Region 3 - Northeast; 1 representative of a community-based group located within Region 4 - Metro West; 1 representative of a community-based group located within Region 5 - Southeast; 1 representative of a community-based group located within Region 6 - Boston; and 1 representative of the Rural Policy Advisory Commission. A majority of members not serving in an ex officio capacity shall be residents of a community with an environmental justice population.

“TCP” or “Transportation Climate Initiative”, the Memorandum of Understanding dated December 21, 2020 and any amendments thereto that establishes a transportation based cap-and-invest program within the northeast region of the United States and other regions to the extent that the Memorandum of Understanding is amended.

(b) There shall be established the Transportation Climate Initiative Trust Fund that shall be administered by the Department of Transportation in consultation of the Executive office of Energy and Environmental Affairs. All funds from the auction of allowances from the multi-state Transportation Climate Initiative shall be deposited in said fund.

(c) A minimum of 70 percent of the annual proceeds shall be used to benefit under overburden and underserved communities with an environmental justice population. A minimum of 50 percent of all remaining proceeds shall be deposited in the Commonwealth transportation Fund established under section 2ZZZ of Chapter 29.

(d) The proceeds shall be used, without further appropriation, to reduce greenhouse gas emissions in the transportation sector and to otherwise achieve the goals of TCI. Funds deposited in this account shall be used to promote projects and programs that support clean transportation and promote mobility, including but not limited:

(1) The expansion and modernization of the Commonwealth's public transportation infrastructure and fleets.

(2) The electrification of the Commonwealth's public transportation infrastructure and fleets.

(3) The expansion of electric vehicle charging infrastructure within the Commonwealth's municipalities

(4) Support of expanding multimodal infrastructure for alternative transportation methods including, complete streets, dedicated bus lanes, bike paths, micro-mobility and pedestrian walkways.

(5) Minimizing transportation costs for low and moderate income individuals and families.

(6) Ensuring first- and last-mile connection to public transit.

(e) Monies in this fund shall only be used to support the programs and activities authorized pursuant to this section and shall not be available to meet the general obligations of the Commonwealth. Balances in this fund shall be carried forward and remain in the fund at the end of each fiscal year and interest earned shall remain in the fund.

(f) Annually, not later than January 1 of each year, the department shall present the Equity Advisory Body with a report for review and recommendation. The report shall detail: (i) the total amount of allowances sold in the previous fiscal year; (ii) the total amount of monies deposited within the trust fund; (iii) itemized distributions made from the fund; (iv) the status of any project or program receiving monies from the fund; (v) the location of any project or

77 program receiving monies from the fund; (vi) planned allocation of monies for the upcoming
78 fiscal year.

79 (g) The Equity Advisory Body shall meet within four months of the enactment of this
80 legislation.

81 (h) The Equity Advisory Body shall meet at least four times each year.

82 (i) The members of the Equity Advisory Body shall be eligible but not required to accept
83 reimbursement to cover time and reasonable expenses incurred while serving on the Equity
84 Advisory Body, not to exceed \$6,000 annually per member.

85 (j) The Equity Advisory Body shall make recommendations to the secretary of Energy
86 and Environmental Affairs, secretary of Transportation, and commissioner of the Department of
87 Environmental Protection on any regulations necessary to implement or update TCI-P so that the
88 program benefits environmental justice communities. The secretary shall consider the
89 recommendations of the Equity Advisory Body.